

REMARKS

This amendment is responsive to the office action dated August 8, 2006.

Claims 1-19 were pending in the application. Claims 5, 6, 11 and 12 were rejected. Claims 1-4 and 17-19 were allowed. Claims 7-10 and 13-16 were determined to be allowable but were objected to.

By way of this amendment, the Applicant has amended claims 5, 6, 11 and 12. Claims 1-4, 7-10 and 13-19 remain unchanged.

Accordingly, Claims 1-19 are currently pending.

I. **REJECTION OF CLAIMS UNDER 35 USC 103**

Claims 5, 6, 11 and 12 were rejected under 35 USC 103(a), as being obvious in view of US Patent No. 6,334,693 (Lee). The Examiner stated that Lee discloses a housing with a front end, a back end a top surface, a channel configured with complementary formations to slidably receive a tool and a closure element.

The Examiner has specifically stated in the reasons for allowance that the allowable subject matter in Claim 1 lies in the side walls extending upwardly from the bottom wall and further having an opening in the side wall at the back end of the housing. Both Claims 5 and Claim 11 require that the opening to the channel for receiving the secondary tool be formed in the sidewall at the back of the housing. Clearly, as stated by the Examiner, this is a novel feature. Further, the cited prior art reference, Lee, provides an opening in the side of the housing, not in the sidewall at the back of the housing.

Further, the Applicant has amended the language in Claims 5 and 11 to define both a back end of the housing as well as a rear terminal end of the device. In this regard the secondary tool is received into the device by sliding it through an opening in the back terminal end of the housing and into a channel that is in the back end of the housing. This can be clearly contrasted with the cited Lee device wherein the secondary tool is inserted into the side of the housing somewhere proximate the back half of the device as defined by the Examiner. It is clear in Lee that the sidewall is continuous and

fully encircles the secondary channel/compartments and there is no opening in the sidewall at the back terminal end.

Further, the claims of the present invention have been amended to require that the interior sidewall of the channel include mating formations formed therein to engage the secondary tool. There is no disclosure in Lee that provides mating formations within the sidewall of the channel to engage and retain the secondary tool. The engagement for retaining the tool is accomplished between opposing latch portions 39 and 41. These latch portions work together to hold the cover 36 in a closed position thereby retaining the flashlight. As is clearly illustrated in the figure provided by the Examiner in the Office Action, the flashlight is inserted into the closure element, an action that is indicated by the broken line. The closure element is then pivoted into position in the channel. It is clearly the closure element that includes mating formation to engage and retain the secondary tool. In contrast, the claims of the present invention, as amended, require that the sidewalls of the channel within the housing include mating formations to directly engage and retain the secondary tool.

Finally, The examiner has indicated that Lee discloses a pivotable closure element at the terminal back end of the housing. However, the figures in Lee clearly provide for a pivoting closure element at the mid point of the housing. The pivots are clearly and indisputably provided at the middle of the device and the secondary tool is clearly installed through the side of the housing. This can be contrasted with the present invention in the claims as amended wherein the secondary tool is inserted through an opening at the terminal back end of the housing and the closure element is pivotably affixed to the terminal back end of the housing at that opening.

Since the claims 5, 6, 11 and 12 of the present invention, as amended, recite claimed subject matter that is not disclosed in Lee, the Lee reference cannot render the present invention obvious under §103(a). Specifically, the claims include subject matter that requires the opening for the secondary tool compartment be provided at the terminal back end of the housing, that the sidewalls of the channel include mating formations that engage and retain the secondary tool and that the pivoting closure

element be provided at the terminal back end of the housing. None of these specifically claimed limitations are shown, suggested or described in the Lee reference. As a result, these claims cannot be rendered obvious by the cited Lee reference. Accordingly, this rejection is not believed to be maintainable or applicable. Reconsideration, and withdrawal of the rejection is respectfully solicited.

III. ALLOWABLE SUBJECT MATTER

Claims 1-4 and 17-19 were held allowable. Further claims 7-10 and 13-16 were determined allowable but objected to as being dependent on rejected base claims. The Applicant asserts that since, in view of the above arguments, the base claims, Claims 5, 6 and 11-12 are now in allowable condition, these claims are also allowable. Withdrawal of this objection is respectfully requested.

IV. CONCLUSION

Accordingly, claims 1-19 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,

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